

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6178 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- MOTIHARI RAIL P.S. District- West
Champaran

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RAHUL KUMAR Son of Yogendra Sahani Resident of Village-
Mohammadpur, P.S.- Mehsi, District- East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Digvijay Kumar Ojha, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-05-2023 List of these matters has been notified today for hearing.

Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Bapudham Motihari Rail P.S.
Case No. 23 of 2022 dated 16.06.2022 instituted for the offence
punishable under Sections 147, 148, 149, 353, 337, 338, 427
and 307 of the Indian Penal Code and Sections 153, 174(a) of
Railway Act.

A mob of students nearly 1500 in numbers have indulged



in damage to Railway property as well as other property in the course of protest against some employment scheme of the Government.

Learned counsel for the petitioner submits that he has no concern with the occurrence. The FIR has been lodged against unknown persons and petitioner's implication is without any basis and extraneous consideration. He has, however, been named in two other cases also lodged in connection with some damage to property by protestors. The details of the two cases are disclosed in paragraph no. 3 of the bail petition.

The petitioner is in custody since 16.07.2022.

The learned APP for the State has opposed the prayer for bail.

Considering the general and omnibus allegation levelled against the accused persons and the submission advanced on behalf of the parties as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Railway J.M, Railway Court, Bettiah, West Champaran in connection with Bapudham Motihari Rail P.S. Case No. 23 of 2022 dated 16.06.2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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